

Kevin C. Barrett, State Bar No. 8959
Barrett & Matura, P.C.
7575 Vegas Drive, Suite 150c
Las Vegas, Nevada 89128
Telephone: (702) 833-1033
Facsimile: (602) 792-5710
kbarrett@barrettmatura.com
Attorneys for Defendant
NGM Insurance Company

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GALLAGHER-KAISER CORPORATION, a
Michigan corporation,

Plaintiff,

vs.

LIBERTY DUCT, LLC, a Nevada limited
liability company; BIO SHIELD TECH, LLC,
a foreign limited liability company;
HARTFORD CASUALTY INSURANCE
COMPANY, an Indiana insurance corporation;
NGM INSURANCE COMPANY, a Florida
corporation; and DOES 1-10 Insurance
Company(ies), inclusive,

Defendants.

NGM INSURANCE COMPANY, a Florida
corporation,

Cross-Claimant,

vs.

LIBERTY DUCT, LLC, a Nevada limited
liability company, DOES 1 through 2,
inclusive,

Cross-Defendants.

Case No. 2:14-cv-00869-GMN-DJA

**STIPULATED AMENDED
DISCOVERY PLAN AND
SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure (“FRCP”) and Local Rule 26-1(a), the Parties, having met and conferred via their undersigned counsel herein, hereby submit their Stipulated Discovery Plan (“Plan”).

SPECIAL SCHEDULING REVIEW REQUESTED

Information Required Under Fed. R. Civ. P. 26(f)

1. Changes in timing, form, or requirement for disclosures under Rule 26(a).

The Parties already have exchanged initial disclosures on June 26, 2023. The parties will continue to timely supplement all disclosures.

2. Subjects and Completion of Discovery.

The parties have not yet engaged in further discovery pending the outcome of the Motion to Dismiss Plaintiff’s Fourth Amended Complaint filed by Defendant NGM. That Motion was ruled on by this Court on July 18, 2024 (Dkt. 208). In addition, the Court recently ruled on Plaintiff’s Motion for Summary Judgment against Defendant Liberty Duct. (Dkt. 209). Finally, NGM recently obtain a default on its Crossclaim against Liberty Duct and has moved for a default judgment on that claim. (Dkt. 210). The parties anticipate they still need to conduct additional discovery regarding the remaining claims asserted against Defendants in Plaintiff’s Fourth Amended Complaint, including written discovery and the depositions of all parties.

3. Completion of Discovery.

Now that the various motions have been resolved, the parties stipulate and agree to a Discovery Cut-Off Date of **November 15, 2024**.

4. Orders under Fed. R. Civ. P. 26(c).

The parties are not aware of any other matter or order that should be entered under these Rules.

Information Required Under LR 26-1(b)

1. Discovery Cut-Off Date.

The Parties propose a discovery completion date of **November 15, 2024**.

2. Amending the Pleadings and Adding Parties.

1 The Parties do not anticipate amending the pleadings or adding parties in this lawsuit.

2 3. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts).

3 The Parties propose expert disclosures by **September 15, 2024**, and rebuttal expert
4 disclosures by **October 15, 2024**.

5 4. Dispositive Motions.

6 The Parties propose a deadline for dispositive motions of **January 15, 2025**.

7 5. Pretrial Order.

8 The Parties propose a deadline for submission of the joint pretrial report of **March**
9 **17, 2025**.

10 The Parties agree that if any Party files a dispositive motion, then the duty to submit
11 a Pretrial Order shall be suspended until thirty (30) days after the final decision on the
12 dispositive motions or further Order of the Court.

13 6. Fed. R. Civ. P. 26(a)(3) Disclosures.

14 The Parties agree that all disclosures required by the Fed. R. Civ. P. 26(a)(3) and any
15 objections thereto shall be included in the Pretrial Order.

16 7. Alternative Dispute Resolution.

17 The Parties have met and conferred about a possible mediation and will agree to
18 participate in a mediation on or before **October 15, 2024**.

19 8. Alternative Forms of Case Disposition.

20 The Parties do not consent to trial by a magistrate judge under 28 U.S.C. §636(c)
21 and Fed. R. Civ. P. 73 and use of the Short Trial Program (General Order 2013-01).

22 9. Electronic Evidence.

23 The parties have discussed whether they intend to present evidence in electronic
24 format to jurors for the purposes of jury deliberations.

25 The parties believe that jury trial is not proper in this case.

26 ///

27 ///

1 Dated this 13th day of August, 2024.

2 **PEEL BRIMLEY LLP**

3 /s/ Cary B. Domina

4 Steven D. Meacham (Bar No. 9863)

5 Cary B. Domina (Bar No. 10567)

6 3333 E. Serene Ave., Ste. 200

7 Henderson, NV 8907

8 smeacham@peelbrimley.com

9 cdomina@peelbrimley.com

10 Attorneys for Gallagher Kaiser
11 Corporation

BARRETT | MATURA

/s/ Kevin C. Barrett

Kevin C. Barrett (Bar No. 8959)

8925 East Pima Center Parkway

Suite 215

Scottsdale, Arizona 85258

kbarrett@barrettmatura.com

Attorney for NGM Insurance Company

12 **McCLOSKEY, WARING, WAISMAN &**
13 **DRURY LLP**

/s/ Heather L. McCloskey

Andrew R. McCloskey (Bar No. 7441)

Heather L. McCloskey (Bar No. 15279)

4445 Eastgate Mall, Suite 200

San Diego, CA 92121

amccloskey@mwwdlaw.com

hlmccloskey@mwwdlaw.com

Attorneys for Defendant Hartford Casualty
Insurance Company

14 IT IS SO ORDERED.

15 

16 UNITED STATES MAGISTRATE JUDGE

17 DATED: August 14, 2024

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2024, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF system for filing and transmittal of Notice of Electronic filing to the following CM/ECF registrants, and causing a copy to be mailed to all non-ECF registrants:

Jefferson W. Boswell Steven D. Meacham Cary B. Domina PEEL BRIMLEY, LLP 3333 East Serene Avenue, Suite 200 Henderson, Nevada 89074 jboswell@peelbrimley.com smeacham@peelbrimley.com cdomina@peelbrimley.com aarmstrong@peelbrimley.com ctertipes@peelbrimley.com rjeffrey@peelbrimley.com thansen@peelbrimley.com rcox@peelbrimley.com Attorneys for Plaintiff Gallagher-Kaiser Corporation	Christopher L. Blakesley, II Lucherini Blakesley Courtney, P.C. 3175 S. Eastern Avenue Las Vegas, Nevada 89169 CLB@lbclawgroup.com Attorneys for Defendant Hartford Casualty Insurance Company
Taylor L. Waite Jolley Urga Woodbury & Little 1600 Howard Hughes Parkway, 16 th Floor Las Vegas, Nevada 89169 tlw@juww.com aw@juww.com Attorneys for Plaintiff Gallagher-Kaiser Corporation	Andrew R. McCloskey Heather L. McCloskey McCloskey Waring Waisman & Drury LLP 4445 Eastgate Mall, Suite 200 San Diego, California 92121 amccloskey@mwwdlaw.com hlmccloskey@mwwdlaw.com nreichert@mwwdlaw.com Attorneys for Defendant Hartford Casualty Insurance Company
Renee Maxfield McCormick, Barstow, Sheppard, Wayte & Carruth, LLP 8337 W. Sunset Road, Suite 350 Las Vegas, Nevada 89113 renee.maxfield@mccormickbarstow.com cheryl.schneider@mccormickbarstow.com christi.colucci@mccormickbarstow.com Attorneys for Defendant Bio-Shield Tech LLC	Liberty Duct, LLC c/o Mr. Paul Wulfenstein 4031 Industrial Center Drive, Suite 705 North Las Vegas, Nevada 89030 Defendant Pro Se

/s/ Holly A. McGee
Holly A. McGee